

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JOSE JIMENEZ MORENO and MARIA
JOSE LOPEZ, on behalf of themselves and
all others similarly situated,**

Plaintiffs,

v.

**JANET NAPOLITANO, Secretary of the
Department of Homeland Security (DHS);
JOHN MORTON, Director of U.S.
Immigration and Customs Enforcement (ICE);
DAVID C. PALMATIER, Unit Chief,
Law Enforcement Support Center (LESC);
RICARDO WONG, Chicago Field Office
Director, in their official capacities,**

Defendants.

Case No. 11 C 5452

Judge John Z. Lee

JUDGMENT

This cause coming to be heard after the Court's Memorandum Opinion and Order [230] denying the Defendants' motion to decertify the class and granting the Plaintiffs' motion for summary judgment, the Court enters the following Judgment resolving all claims:

THE COURT HAVING FOUND THAT:

A. The Plaintiff class consists of the following individuals:

All current and future persons against whom Immigration and Customs Enforcement (ICE) has issued an immigration detainer of the Chicago Area of Responsibility where: (1) ICE has requested the law enforcement agency (LEA) to continue to detain the individual after the LEA's authority has expired; (2) where ICE has not served a Notice to Appear or other charging documents, has not served a warrant of arrest for removal proceedings, and/or has not obtained an order of deportation or removal with respect to the individual; and (3) where the LEA cooperates with ICE in complying with detainers.

B. ICE's practice of issuing "immigration detainers" that seek to detain an individual without a warrant—without making a particularized determination that the

individual is likely to escape before a warrant can be obtained—goes beyond ICE’s statutory authority to make warrantless arrests under 8 U.S.C. § 1357(a)(2).

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The immigration detainers already issued against Plaintiffs and the Plaintiff class are declared null and void;

2. Defendants shall promptly provide notice to every law enforcement agency and correctional institution that may house a member of the Plaintiff class, informing the agency or institution of this judgment;

3. Within 30 days of entry of this Judgment, Defendants shall report to the Court the status of their compliance with paragraphs 2; and

4. Defendants are permanently enjoined from issuing from the Chicago Field Office (which oversees the area of responsibility consisting of Illinois, Indiana, Wisconsin, Missouri, Kentucky, and Kansas) immigration detainers that request the continued detention of individuals in the custody of law enforcement agencies, unless

a. an ICE officer (i) has probable cause to conclude that an individual is a removable non-citizen and (ii) has obtained a warrant of arrest of the individual, in accordance with the applicable statute and regulations; or,

b. an ICE officer (i) has probable cause to conclude that an individual is a removable non-citizen and (ii) has reason to believe that the particular individual is likely to escape before a warrant can be obtained.

IT IS SO ORDERED.

Dated: November 28, 2016



John Z. Lee
United States District Court Judge